

Meeting Minutes September 28, 2006

Town of Los Altos Hills City Council Regular Meeting

Thursday, September 28, 2006
Town Hall Council Chambers, 26379 Fremont Road

1. CALL TO ORDER, ROLL CALL, PRESENTATION OF COLORS BY GIRL SCOUT TROOP 321 AND PLEDGE OF ALLEGIANCE

Mayor Warshawsky called the City Council Regular Meeting to order at 7:04 p.m. in the Council Chambers at Town Hall.

Present: Mayor Dean Warshawsky, Mayor Pro Tem Craig A.T. Jones, Councilmember Breene Kerr, Councilmember Jean Mordo and Councilmember Mike O'Malley

Absent: None

Staff: City Manager Carl Cahill, City Attorney Steve Mattas, Administrative Services Director Sarah Ragsdale, Planning Director Debbie Pedro, Public Works Director/City Engineer Henry Louie, and City Clerk Karen Jost.

Mayor Warshawsky called for the Presentation of Colors. The Color Guard from Girl Scout Troop 321 presented the flags and led the Council and audience in the Pledge of Allegiance. Certificates of Appreciation were given to scouts Laura Wise, Alexina Scheel, Sarah Hartenbaum, Katie Sanders and Vaishu Sitarama by Mayor Warshawsky. Council thanked them for the opening ceremony.

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by O'Malley and passed unanimously to limit comments from the floor to three minutes.

2. PLANNING COMMISSION REPORT

2.1 Lands of Clow: Request for a Site Development Permit for a Basement Garage; 27660 Central Drive (137-06-ZP-SD-GD)

2.2 Lands of Klein: Request for a Site Development Permit for a New 4,864 square foot Residence with a 1,992 square foot Basement and Swimming Pool, the Proposal Includes Removal of One 39" Heritage Oak Tree and a Request for a Grading Policy Exemption for a Daylighted Basement and a Driveway Retaining Wall; 26063 Todd Lane (112-06-ZP-SD-GD)

- 2.3 Lands of Shahidi: Request for a Site Development Permit for a New 4,165 Two Story Residence with a 1,900 square foot Basement and Swimming Pool; 25349 La Rena Lane (37-06-ZP-SD-GD)
- 2.4 Lands of Zaghi: Request for a Site Development Permit for a Landscape Screening Plan for the 2,349 square foot Major Addition Approved by the Planning Commission in June, 2003; 14542 Yale Court (25-06-ZP-SD)

Planning Director Debbie Pedro reviewed the Planning Commission actions from their regular meeting of September 7, 2006. Council had before them the staff reports, conditions of approval, commission voting record and appeal deadline for each application that had been reviewed and approved at the meeting.

3. CONSENT CALENDAR

Items Removed: 3.1 (O'Malley) 3.5 (Kerr)

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by O'Malley and passed unanimously to approve the remainder of the Consent Calendar, specifically;

- 3.1 Approval of Minutes: Regular City Council Meeting – September 14, 2006
- 3.2 Review of Disbursements: 3/30/2006 – 9/19/2006 \$779,192.27
- 3.3 Monthly Financial Report
- 3.4 Approval of Agreement with Bartel and Associates for Consulting Services
Resolution 95-06
- 3.6 Adoption of Amendments to the Site Development Ordinance with Regard to Development of Ridgelines, Hilltops and Highly Visible Lots (Section 10-2.702, Siting) CEQA Review: Categorical Exemption per Section 15061b) (SECOND READING) Ordinance 504
Motion to Waive Further Reading Motion to Adopt Ordinance
- 3.7 Approval of Amendment to Conservation Easement, Lands of Crozier Hogle
Resolution 96-06
- 3.8 Approval of Resolution Confirming Biennial Review – Resolution 97-06
- 3.9 Award of Contract: Construction of Storm Drain Improvement at Burke Road
Resolution 98-06
- 3.10 Award of Contract: Engineering Services for Sanitary Sewer System Expansion Study – Resolution 99-06
- 3.11 Award of Contract: On-Call Survey Engineering Services – Resolution 100-06
- 3.12 Dedication of Right-of-Way; Lands of Picetti, 12390 Hilltop Drive

Resolution 101-06

3.13 Award of Contract: Emergency Repair of the Pathway Bridge at 13910 Page Mill Road – Resolution 102-06

Items Removed:

3.1 Approval of Minutes: Special City Council Meeting – August 24, 2006

Councilmember O'Malley requested that "tirelessly" be removed from the text found on page 8, first paragraph, second sentence under the heading "Sewers".

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Mordo and passed unanimously to approve the August 24, 2006 City Council Special Meeting Minutes as amended.

3.5 Approval of Sale of the Town's Surplus Maintenance Vehicle

Councilmember Kerr requested that staff consider continuing the current policy to convert the Town's fleet to environmentally friendly vehicles when purchasing a replacement vehicle.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by O'Malley and passed unanimously to approve the sale of the Town's Surplus Maintenance Vehicle.

4. UNFINISHED BUSINESS

4.1 Town Goals

4.1.1 Public Education: Bring the Future of Public Education to a Vote

4.1.1a Report on Ad Hoc Committee on District Reorganization (AHCDR) Town Mailing

Mayor Pro Tem Jones provided an update to Council on the Ad Hoc Committee's efforts. They are being assisted by a team of professionals in preparation for the December 7, 2006 scheduled hearing of the Town's resolution by the County Committee on Redistricting. Jones reviewed the key arguments that he believed would be proffered by the Districts in opposition to the redistricting and offered counterpoints to their comments. He believed the key arguments would be as follows: 1) Bullis School was scheduled to reopen as an elementary school; 2) redistricting would have a negative fiscal impact on the Districts; 3) legal argument that the Education Code did not call for the type of reorganization that the Town was requesting; and 4) redistricting would disturb the ethnic mix in the schools.

Jones commented that the Ad Hoc Committee was preparing responses to the four major issues. He noted that this was the third consecutive year that the Los Altos School District had promised the reopening of the Bullis campus. Jones queried what type of

school it would be; what the attendance boundaries would be; and the issue of permanence of the campus; and added that it would not solve the problem of the absence of a school that served the community as a whole. The reopening might necessitate the reconfiguration of school boundaries and the District to date had not been willing to make decisions that impacted their constituency in Los Altos.

In response to the argument of fiscal impact, the Ad Hoc Committee had engaged a consultant to review this specific issue and the analysis that had been completed showed that the fiscal impact on the related Districts was minor

Jones explained that the Ad Hoc Committee was aware of the legal issue revolving around the matriculation to two high schools and were prepared to approach the state department of education for a waiver. He offered that with the one high school option there was enough flexibility in the education code to allow this configuration.

Jones stated that the issue of the ethnic mix of students being disrupted was not valid with the similarity of the communities of Los Altos and Palo Alto.

4.1.1a Report on Ad Hoc Committee on District Reorganization (AHCDR) Town Mailing

Jones reported that a survey of Town voters conducted by David Binder Research and financed by a private donation had been completed and the Ad Hoc Committee members believed it would be useful to share the results with residents. He was before Council seeking their input noting that the mailing would be from Council. He reviewed the options regarding the release of the information: 1) send out the data in the format that was available; 2) return to David Binder Research and request a more detailed report that contained both the survey questions and responses and distribute that packet; or 3) have the information disseminated by a civic organization or an interested party.

Jones offered that the survey was performed by a professional firm and he was confident that it was valid. He commented that strong opinions had been expressed by proponents of both sides. He was comfortable with any of the options but his preference was to return to Binder for the survey questions that related to public education and to send them out with the memo summary of responses.

Council discussion ensued. Councilmember O'Malley did not feel comfortable with the Council sending out a survey that had been privately funded and favored releasing the survey summary.

City Attorney Steve Mattas explained that if the private entity was willing to release the survey, there was no conflict in making it available publicly. He did recommend that a clear statement accompany any release stating that the City Council did not direct the poll.

Jones explained that the memo that had been released to the press summarized the Binder survey responses that the pollsters believed were from a representative sample. They indicated that 58% favored redistricting and 37% opposed.

Councilmember Kerr supported requesting that the information be released and concurred with Mayor Warshawsky's opinion that transparency of the survey was important.

Council consensus was to forward a request to the private sponsor of the poll to release the summary and make public the survey questions that were directly related to education. Once released, the Town could post the summary on the website and have hard copies available at Town Hall.

4.1.2 Underground Utilities: Complete Pilot Projects and Assist Underground Assessment Districts

Mayor Warshawsky reported that the Undergrounding Ad Hoc Committee had met on September 27, 2006 and had agreed to refocus their efforts on undergrounding to facilitating neighborhood assessment districts. The Pilot Projects would serve as a good cornerstone to the development of an informational package that would assist residents if they wished to proceed with undergrounding of utilities in their neighborhoods.

Council discussed the various ways they could assist residents and there was a consensus to carefully document the pilot projects different stages as a format for an informational tool for Town residents. Council would revisit the issue of additional support including legal and financial at such time there was a viable interest from a neighborhood to form an assessment district. Council consensus was that the implementation of a sewer system was a higher priority at this time.

4.1.3 Sanitary Sewers: Update and Implement the Master Plan

Councilmember O'Malley reported that the Sewer Agreement was currently being reviewed by the Cities' respective attorneys and the expectation was that the agreement would be available for Council consideration in October. O'Malley suggested that the Council consider forming a Master Sewer Plan Committee once the Agreement was in place.

4.1.4 Wireless Communications: Continue to Improve Town Wide Cell Coverage

Planning Director Debbie Pedro reported that the Cingular tower project at Purissima Road was nearing completion. Construction of the Verizon project at Westwind had begun and currently three applications for cell facilities were under review by Town staff.

Mayor Pro Tem Jones suggested that it would be nice to analyze the coverage of the major carriers after their installations are functioning to assess the improvement in coverage.

4.1.5 Complete General Plan Review

Councilmember O'Malley reported that the Ad Hoc Committee members had met with the Open Space; Environmental Design and Protection; Parks and Recreation and Environmental Initiatives Standing Committees to get their input on the elements. O'Malley noted that they were making good progress on the update.

4.1.6 Develop Plan For and Begin the Process of Approval of the Building of a New Town Park/Recreation Facility

Councilmember O'Malley reported that the Parks and Recreation Committee was beginning the process of seeking a consultant to assist with the initial plans for a community park. The Committee was scheduled to visit parks in neighboring communities and gather information on park "footprints" during this investigative stage.

5. NEW BUSINESS

5.1 Proposed Ordinance Amendment to the Municipal Code to Increase the Limit for Purchases Which May Be Approved by the City Manager (First Reading)

City Manager Carl Cahill introduced this item to Council. He explained that the purpose of the request to amend the ordinance and increase the signature authority of the City Manager was to facilitate implementation of Council goals and directions. Cahill offered that the current limit of \$5,000.00 established in 1979 delays the procurement of goods and services. With the increased limit, the City Manager would be authorized to enter into agreements and make purchases which were provided for in the Town's budget.

Following a brief discussion, Council consensus was to increase the City Manager's signature authority to \$15,000.00 and to revisit the issue at a later date if it was determined that an additional increase was warranted.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Mordo and passed unanimously to amend the proposed ordinance to increase the limit for purchases which may be approved by the City Manager to \$15,000.00

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Mordo and passed unanimously to waive reading and to introduce the ordinance as amended.

6. COUNCIL-INITIATED ITEMS

6.1 Consideration of Amendment to Standing Committee Resolution 82-06 to Increase the Membership of the Westwind Community Barn Committee (WCBC) and Appoint Applicant and Approval of Initial Budget for WCBC- Councilmember Mordo

Councilmember Mordo explained that he was requesting Council consideration of an initial budget for the Westwind Community Barn Committee of \$10,000.00. He would return to Council at a future date when additional funds would be required for consulting services for the renovation phase.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Kerr and passed unanimously to approve a budget of \$10,000.00 for the Westwind Community Barn Standing Committee.

Councilmember Mordo explained that the Committee meetings were currently being scheduled during the lunch hour and he was seeking Council input on the appropriate lunch expenditure for members. Council concurrence was \$12 per lunch.

Councilmember Mordo provided an overview of the Committee's first meeting. He believed they were moving forward on a very positive note and suggested that it would be a gesture of inclusiveness to extend an invitation to the President of Friends of Westwind to join the WCBC either as a voting member or associate. He recommended the voting membership.

City Attorney Steve Mattas advised that under the restrictions of Government Code Section 1090, the President of Friends would be required to abstain from any discussion or vote that would implicate the Friends of Westwind lease for the facility.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Mordo and passed unanimously to amend Standing Committee Resolution 82-06 to increase the membership size of the Westwind Community Barn Committee from eleven to twelve.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Mordo and passed unanimously to appoint Ulli Sharma to the Westwind Community Barn Committee for a term of four (4) years.

Councilmember Mordo advised Council that WCBC member Jeanne Seeley was not able to attend the meetings do to a scheduling conflict and she had suggested that Colette Cranston be appointed as her replacement. Both are members of the Supporters of the Westwind Community Barn.

Council directed staff to agendize the appointment for Council action at the next regular meeting.

6.2 Discussion of Site Development Billing Policy – Mayor Warshawsky

Mayor Warshawsky explained he had requested clarification from staff on an issue that had been raised by residents that neighbors could artificially impact planning costs by complaining about the project to Town staff and delaying its approval.

Planning Director Debbie Pedro had prepared a PowerPoint presentation that illustrated the billing analysis for site development permits for a period of twelve months. During the period of July 1, 2005 through June 30, 2006, 157 Site Development Permits had been issued by the Town. Of those 157 permits, 8 had charges that had been incurred by substantive neighbor complaints/issues and 95% had no substantive neighbor complaints. Pedro reviewed the spreadsheet with Council that identified the types of projects that had

been reviewed, total project charges, the amount of the charges incurred by neighbor complaints and the percentage of the total amount these charges constituted. In conclusion, average charges due to neighbor complaints were 4% of the total project billings.

7. PRESENTATIONS FROM THE FLOOR

None

8. PUBLIC HEARINGS

8.1 Approval of Appropriations for Citizens' Option for Public Safety Fund (COPS)

Administrative Services Director Sarah Ragsdale introduced this item to Council. She explained that the appropriation for the COPS funding had been approved by Council at their regular meeting of June 22, 2006 as part of the Operating and Capital Improvement program Budgets for Fiscal Year 2006-2007. The item had been agendized as a City Council public hearing to fulfill the requirements of California Government Code Section 30061.

OPENED PUBLIC HEARING
CLOSED PUBLIC HEARING

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by O'Malley and passed unanimously to adopt Resolution 103-06 adopting the Operating Budget for the Citizens' option for Public Safety Fund for Fiscal Year 2006-2007.

Council adjourned to Closed Session at 8:30 p.m.

9. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
(Pursuant to Government Code Section 54956.9(c).
Initiation of Litigation: one case

Council reconvened to Open Session at 8:50 p.m.
No Action was taken

10. TRAINING SESSION

10.1 Homeland Security Presidential Directive 5 (HSPD5) Training
Stephen Garcia, Los Altos Hills Public Safety Officer and certified trainer by the State of California Governor's Office of Emergency Services conducted the ICS-SEMS-NIMS Combined Course. All Councilmembers, the City Manager and City Clerk were in attendance. Following the mandatory training, all attendees completed a course test.

11. ADJOURNMENT

The September 28, 2006 Regular City Council Meeting was adjourned by Mayor Warshawsky in memory of William “Bill” Siegel, Los Altos Hills Councilmember 1988-2000. Bill Siegel was remembered for his quiet and introspective manner and years of community service. In addition to his tenure on the Los Altos Hills City Council, Mr. Siegel had served as a Fire Commissioner on the Los Altos Hills County Fire District Board for twenty years.

Respectfully submitted,

Karen Jost
City Clerk

The minutes of the September 28, 2006 Regular City Council Meeting were approved as presented at the October 12, 2006 Regular City Council Meeting.